

lication in the Delhi Republican, and the Iowa City Republican.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 17, 1857.

ELIJAH SELLS,
Sec'y of State.

CHAPTER 152.

WASHINGTON CITY.

AN ACT to incorporate the city of Washington, Washington county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Boundaries.}
State of Iowa, That all that tract of land lying in the county of Washington, and bounded as follows, to wit: Commencing at the northeast corner of section seventeen (17) in township seventy-five (75) north range seven (7) west, and running thence west one and a half (1 1-2) miles to the northwest corner of the northeast quarter of section eighteen (18), and thence south one and a half (1 1-2) miles to the southwest corner of the northeast quarter of section nineteen (19), and thence east one and a half (1 1-2) miles to the southeast corner of the northeast quarter of section twenty (20), and thence north to the place of beginning, together with the inhabitants thereof, be, and the same is hereby constituted a city and body politic by the name of Washington.

SEC. 2. The said city is made a body corporate and is ^{Incorporation.} invested with all the powers and attributes of a municipal corporation.

SEC. 3. The legislative authority of the city is vested in ^{Legislative authority.} a city council, consisting of a mayor and board of aldermen composed of three from each ward of the city.

SEC. 4. The said city shall be divided into two wards as ^{Wards.} follows, to wit: That portion lying north of Main street, together with that portion lying west of Marion street, shall constitute the first ward; that portion lying south of Main

and east of Marion, shall constitute the second ward: *Provided*, that the said city council may change, unite or divide the said wards or any of them whenever they shall think it for the interest of the city.

- Citizenship.** SEC. 5. Every white natural born and naturalized male citizen of the United States of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers to vote ten days next preceding a city election, is declared a citizen of said city and is entitled to vote at all the elections thereof.
- Conducting elections.** SEC. 6. The election of the city officers thereof shall be conducted in a manner as similar to that in which the elections are conducted in the townships as the nature of the case permits
- Challenge.** SEC. 7. A person offering to vote may be challenged as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.
- Eligibility.** SEC. 8. No person shall be eligible to any elective office mentioned in this act unless he be a legal voter of the city, and has been a resident thereof for one year next preceding his election.
- Election.** SEC. 9. The qualified voters of the city shall, on the first Monday of March A. D. 1857, and annually on the same day thereafter, elect a mayor, six aldermen, a recorder, treasurer, assessor and marshal; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected by the legal voters of the city for the term of one year and until their successors are elected and qualified.
- Aldermen.** SEC. 10. Three aldermen shall be elected in each ward by the legal voters thereof.
- Mayor's duty.** SEC. 11. It shall be the duty of the mayor to see that the laws and ordinances of the city are executed and their violation punished. To sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise powers as pertain to the office of mayor of a city and such as may be granted or imposed by the ordinances of the city, consistent with law.

SEC. 12. He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of this State, committed within the city, and with civil jurisdiction limited to the city in the same manner as that of justice of the peace is or may be limited to their townships. He shall not be disqualified from acting in such judicial capacity, by any proceeding being in the name of or behalf of the city.

SEC. 13. Appeals to the district of the county shall be allowed from the judgments and decisions of the mayor in the same cases, time and manner as is or may be allowed by law from those of justices of the peace, and they shall be tried as in other cases. He will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie, and in his absence the council may appoint a president for the time being from their own body.

SEC. 14. The council shall be the judge of the qualifications and election of its own members. It may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and it may compel the attendance of its members in such manner and by such penalties as it may adopt.

SEC. 15. The marshal shall be a conservator of the peace, and the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the city ordinances and of the criminal laws of the State, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalties, require the aid of the citizens, and perform all duties imposed by the council. He may with the approval of the council, appoint one or more deputies and discharge them, and he shall be responsible for their doings when acting officially. For the service of legal process he shall be entitled to the same fees as a constable, and for

services required by the council such compensation as it may allow.

Bond.

SEC. 16. The treasurer, recorder, assessor and marshal shall give such bonds, perform such duties, and exercise such powers as may be required of them by ordinances, not inconsistent with law, and for their services shall receive such fees as the city council decrees right, not exceeding the amount allowed county and township officers.

Proclamation.

SEC. 17. In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days previous to the election.

Opening 'polls.

The poll shall be opened at nine o'clock in the forenoon, and continue open till four o'clock in the afternoon: with-

Returns.

in two days after the election, the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book kept for the purpose.

Ineligibility.

SEC. 18. No member of the city council shall be eligible to any office within the gift of the council during the time for which he was elected; nor shall he be interested directly or indirectly in the profit of any contract or services to be performed for the city.

Ordinances.

SEC. 19. Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in one or more newspapers published in the city at least ten days; and if there be no such newspaper, they shall be posted up in each ward the same length of time. They shall also be recorded in a book to be kept for that purpose.

Recorder's duty.

SEC. 20. The city recorder shall keep a true record of all the official proceedings of the city council, and such record shall be open at all times to the inspection of any citizen.

Qualification.

SEC. 21. The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the Constitution of the United States and of the State of Iowa, and faithfully and impartially to perform their duty to the

best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder, when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 22. The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance; and its meeting shall be public. Meetings of council.

SEC. 23. The council may appoint and in such a manner as it may determine, and during its pleasure, street commissioners, clerk of the market, city surveyor, health officer, and such other officers as it may deem advisable, and may prescribe their duties, powers, and qualifications, and may prescribe for the election of such officers by the citizens. Subordinate officers.

SEC. 24. When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record, until the election and qualification of a successor. Vacancies.

SEC. 25. The city council is vested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace; to suppress riots, gambling and drunkenness, indecent or disorderly conduct; to punish lewd behavior in public places, and provide for the general safety, prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the mayor, as in criminal proceedings before a justice of the peace; and the laws of the State relating to carrying into effect a judgment of a justice of the peace imposing a fine shall be applied to judgments in the above case; but the charges thereof must be borne by the city. Power of council.

SEC. 26. The council is authorized to establish and organize fire companies, and to provide them with fire engines. Fire companies.

gines and other apparatus; and may regulate the keeping and sale of gunpowder within the city.

**License pow-
ers, &c.** SEC. 27. The city council shall have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions shows and theatrical performances, billiard tables, ball and ten-pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character; where the laws of the State permit or refuse license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors unless such prohibition would be inconsistent with the laws of the State at the time existing; and the said council is authorized to revoke, or suspend any of the above licenses when it deems that the good order and welfare of the city demand it.

**Abate nuisan-
ces.** SEC. 28. The city council may make all necessary ordinances in relation to the health and cleanliness of the city; and may require the owners of lots on which water becomes stagnant, to drain or fill up the same, and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the collector of the city, as in case of taxes, and subject to be redeemed in like manner.

**Cartage and
drayage.** SEC. 29. The city council may regulate the system of cartage, drayage, hacks and omnibuses, within the city, and may issue license therefor; and may prohibit hogs, sheep, and all other stock, from running at large within the city.

**Rec'ts and dis-
bursements.** SEC. 30. The council shall provide by ordinance for the keeping of the public monies of the city, and the manner of disbursing the same; and shall audit all claims against the city; and all officers of the city are accountable to the council in such manner as it directs; it shall publish annually a particular statement of the receipts and expenditures of the city, and of all the debts owing to and from the same.

Grade streets. SEC. 31. It has the exclusive authority to establish the grades of streets and alleys of the city, and may change the same upon the petition of the owners of two-thirds the value of the real property on both sides of the street when it is desired to change.

SEC. 32. Imprisonment for the violation of any city or- **Imprisonment.**
 dinance shall not exceed fifteen days, and the county jail
 shall be the place of imprisonment, but at the expense of
 the city.

SEC. 33. The city council is authorized to levy and col- **Taxes.**
 lect taxes not exceeding one-half of one per cent. per an-
 num of all property within the city which is liable for State
 and county taxes, including improvement on such property;
 and it may exempt such improvements when it is so deter-
 mined by a vote of a majority of all the voters of the city,
 but when such an exemption takes place, the rate on realty
 shall not exceed one and one-half of one per cent. on the
 valuation. The council may also levy a tax on dogs, or may **Dogs.**
 prohibit them from running-at large in the city: *Provided,*
 That the tax thus levied and collected, where improvements
 are included, shall not exceed one-fourth of one per cent.; **Rate per cent.**
 and where improvements are exempt, as above named, one
 fourth of one per cent. on personal property, and one per
 cent. on real property, until otherwise determined by the
 qualified voters of the city at an annual or special election
 held for that purpose. **Collection.**

SEC. 34. The marshal, or in case of his absence or disa-
 bility, such person as the council may appoint in his stead,
 shall be collector of taxes, and before proceeding to collect
 the same, shall give thirty days' notice of the assessment
 and levy of the tax, and the rate thereof in general terms,
 without the names or description of property, in a newspa-
 per printed in the city, if there be one, and if not, then by
 three months in the most public place in each ward. **Correct errors.**

SEC. 35. During the thirty days, any person aggrieved
 by the assessment or taxation, may appear before the coun-
 cil, which may correct the same if found erroneous. **Sale of proper-**
 ty.

SEC. 36. The marshal may distrain upon personal prop-
 erty liable to taxation, and sell the same for payment if not
 paid in a reasonable time after demand, as constables may
 sell personal property on execution. **Lien.**

SEC. 37. Taxes on real property shall be a lien thereon,
 and it may be sold thereon when the taxes remain unpaid
 for six months after posting the notices of the tax. **Auction.**

SEC. 38. Such sale must be at auction, and there must be
 thirty days' notice prior to the sale given as above provided

for notifying the assessment and tax, for such sale; he who bids to pay the amount due for the least quantity of land, will be the highest bidder, and the manner of ascertaining the portion bid for, shall be as in the State revenue law.

Deeds.

SEC. 39. The marshal shall execute and deliver to the purchaser a deed, running in the name of the State, which shall have the same force and effect as the deed of the treasurer of the county, in like circumstances, in sales for county and State taxes.

Pavements.

SEC. 40. The council have the control of the streets and alleys and public grounds of Washington city, and may cause sidewalks to be paved in the same; and to this end it may require the owners of lots to pave or repair the same contiguous to their respective lots, and in case of neglect, after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed to the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor, as for a tax, subject to the same rights of redemption.

Road and poll tax.

SEC. 41. All road tax which may hereafter be paid upon any property in Washington city in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof. Any person being a resident of said city, subject by the laws of this State to do work upon roads and highways, shall be required to do or cause the same to be done under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The city council shall supersede the road supervisor in all jurisdiction within the corporate limits, and perform all of his duties.

Gen. schools.

SEC. 42. The city council is hereby invested with full control and authority over the common schools in the city, and shall receive and disburse all the school tax levied upon property within the city, or received from the school fund for distribution therein, within the limits of the city.

Borrow money

SEC. 43. The council is authorized to borrow money for any object in its discretion, if at a regular notified meeting under notice, stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of the votes given at the

election; and said loan can in no case be diverted from the specified object.

SEC. 44. On the passage of this act, the trustees of ^{Submission of} Washington township shall cause a vote to be taken on the ^{charter.} acceptance of this charter, in the manner in which township elections are now called and holden, in which the vote shall be for the charter or against the charter, and shall be by ballot. Those citizens and legal voters only, who reside within the limits of the city, shall be allowed to vote upon the acceptance or non-acceptance of the charter. If the said vote results in favor of said charter, the result shall be so declared and entered on record, and thenceforth the same is accepted. The foregoing election shall be held at the court house, in Washington county, on the third Monday of February A. D. 1857, and the polls shall be opened between the hours of 9 and 10 o'clock A. M., and kept open until 4 o'clock P. M. of the same day.

SEC. 45. This act shall take effect and be in force from and after its publication in the Washington Press and Iowa City Republican.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 13, 1857, and Washington Press, Feb. 16, 1857.

ELIJAH SELLS,
Secretary of State.

CHAPTER 153.

RAILROAD BONDS.

AN ACT authorizing the county of Lee to issue bonds to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Bonds.} *State of Iowa,* That the county of Lee is hereby authorized to issue bonds, to aid in the construction of the Keokuk, Fort Des Moines and Minnesota railroad, to the amount of one hundred and fifty thousand dollars, provided the county judge of said county shall first submit the question to